

REMARKS

This application has been reviewed in light of the Office Action dated March 23, 2009. Claims 59-67, 69-75, 77-81, 83-91 and 93-108 are presented for examination, of which Claims 59 and 83 are in independent form. New Claims 107 and 108 have been added to provide Applicants with a more complete scope of protection. Claims 59, 60, 69, and 83 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

Claims 59-67, 69-75, 77-81, 83-91 and 93-105 were rejected under 35 U.S.C. § 112, first paragraph. The Office Action asserts that the disclosure, as originally filed, does not support the recitation "wherein an amount of personal information requested from the customer when the customer is an existing customer is less than an amount of personal information requested from a prospective customer" appearing in previously presented Claims 1 and 83. Also, the Office Action states that "the disclosure as originally filed does not support the limitation 'tailor(ing) an offer to the customer based at least in part on the determining' in claims 1 and 83" (emphasis added in original). Without conceding the propriety of these rejections, Applicants have carefully reviewed and amended the claims, as deemed necessary, to ensure that they conform fully to the requirements of Section 112, first paragraph, with special attention to the points raised at pages 2 and 3 of the Office Action. Applicants submit that the amendments to Claims 59 and 83 are supported, at least, by paragraphs [0037], [0049], and by Fig. 2 of the specification, as originally filed. It is believed that the rejections of Claims 59-67, 69-75, 77-81, 83-91 and 93-105 under Section 112, first paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

Applicants note that new dependent Claims 107 and 108 include the recitation “wherein an amount of personal information requested from the customer when the customer is an existing customer is less than an amount of personal information requested from a prospective customer”, which the Office Action asserts is not supported by the specification. Applicants submit that Claims 107 and 108 are supported, at least, for example, by paragraph [0043].

Claim 59 recites the feature of “determining whether the customer is a prospective customer or an existing customer based at least in part on the respective access code . . .”. Furthermore, Claim 59 recites “providing an offer from a plurality of stored offers to the customer based at least in part on the determining, and wherein a customized offer for the at least one prospective customer and existing customer is based at least in part on the respective access code”. By virtue of these features, the claimed invention recognizes and distinguishes between prospective customers and existing customers for the purpose of extending pre-approved offers that are stored and customized based on the access code of the individual prospective or existing customer.

Applicants note that *Lilly* (U.S. Pat. Appln. Pub. 2008/0228611) does not disclose “determining whether the customer is a prospective customer or an existing customer based at least in part on the respective access code”, much less “providing an offer from a plurality of stored offers to the customer based at least in part on the determining, and wherein a customized offer for the at least one prospective customer and existing customer is based at least on the respective access code”, as recited in Claim 59. In contradistinction, *Lilly* is directed to only existing credit card holders--not the claimed “prospective customers.” Particularly, one of the first steps required in *Lilly* is for the existing credit card holder to input his or her credit card data. *Lilly*, paragraph [0111]. Moreover, *Lilly* merely determines whether the existing credit

card holder has previously been offered an extra credit line in connection with that card. *Id.* at paragraph [0112]. Indeed, *Lilly* fails to even mention prospective customers, let alone maintaining customer profiles of prospective customers for the purpose of extending pre-approved offers to the individual prospective customer's profile.

Accordingly, Applicants submit that Claim 59 is patentable over the cited art of record. Independent Claim 83 includes features similar to those discussed above in connection with Claim 59. Therefore, Claim 83 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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